

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.187 OF 2006

IN

SECOND APPEAL ST. NO.11316 OF 2005

Shri Bhaskar Deoram Gade ..Applicant

Versus

Shri Ganpat Appaju Gade, since
deceased through his LRs

1A.Dinkar Shankar Gade & Ors. ..Respondents

Mr.H.E.Palwe for applicant

CORAM : A.M.KHANWILKAR, J.

DATE : 8TH FEBRUARY, 2006.

P.C.:

1. Heard counsel for the applicant. The delay in
filing the second appeal as calculated by the office is

one year and 143 days. The explanation offered in the application in my opinion is too vague and general. No dates are mentioned. From the application, it is obvious, that the applicant was aware of the order passed by the District Court in September, 2003 itself. This is so, because after the order passed on 4.9.2003 the applicant applied for certified copy of the order on 9.9.2003. It is stated in the application that the certified copy was collected by the applicant's advocate on 7.10.2003. It is then stated that subsequently the applicant inquired with his lawyer that whether the appeal was filed. However, no dates are mentioned when the enquiry was made.

2. The reason that the applicant is of village Chitegaon, Tal. Niphad, which is about 50 km. from the City of Nasik or that because of socio-economic condition peculiar to poor villagers hailing from the countryside stated in the application is not sufficient unless something further was stated by the applicant. Suffice it to observe that the grounds mentioned in the application are not sufficient to explain the true delay of over one year. Hence rejected.